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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,433

01/10/2006

Egbert Classen

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09/24/2009

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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NEW BERN, NC 28562

EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

09/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/564,433	Applicant(s) CLASSEN ET AL.	
	Examiner FRANKIE L. STINSON	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. In view of the remarks filed May 20, 2009 and July 27, 2009, the Final Rejection dated March 25, 2009 is hereby withdrawn in favor of the following Non-Final Rejection.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the washing basket" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 10, line 15, the phrase "the washing container" is without proper antecedent basis.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

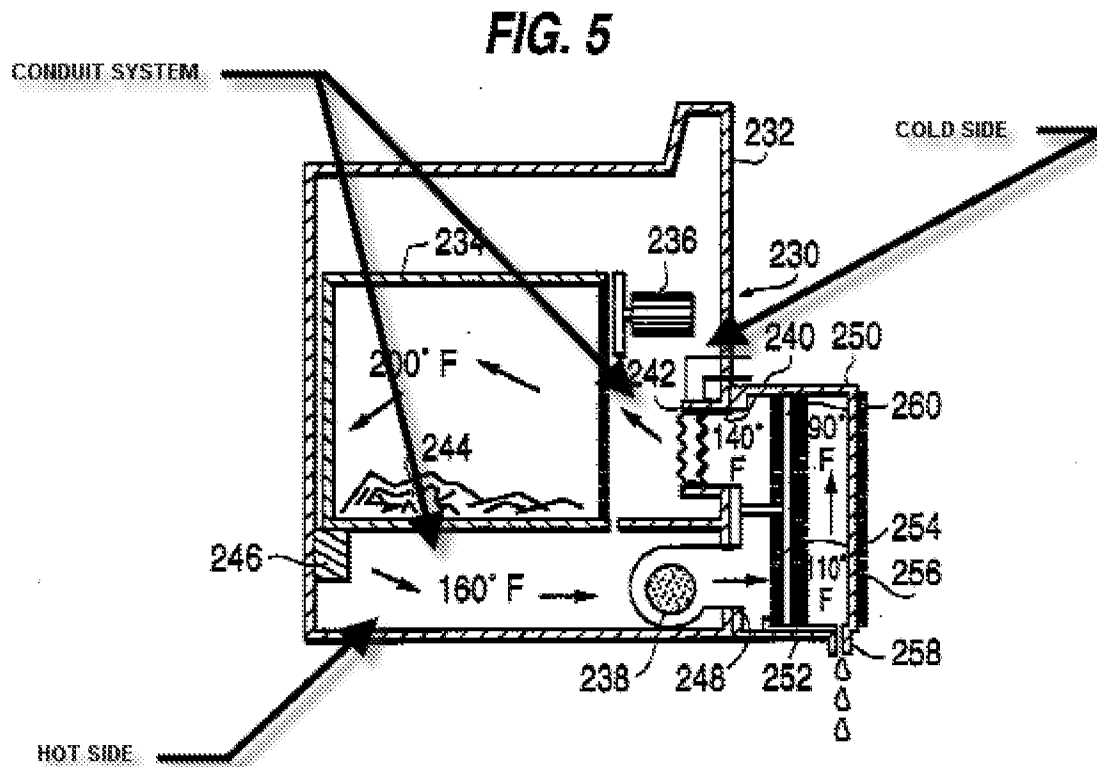
6. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh (U. S. Pat. No. 5,343,632) in view of France'322 (France 2 491 322) and Moratalla (U. S. Pat. No. 5,732,562).

Re claim 10, the patent to Dinh is cited disclosing a dishwasher (col. 8, lines 9-10) comprising:

a washing basket (see France'322, for corresponding dishwasher limitations); and
a conduit system (see annotated fig. 5 below) connected to the washing basket in an air-guiding manner such that air is guided from the washing basket to the conduit system and air is guided from the conduit system to the washing basket and the conduit system including a cold side portion and a hot side portion, the conduit system being operable to guide air from the washing basket through the cold side portion, to promote

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a cooling of air in the cold side portion of the conduit system with a resultant condensing of moisture out of the cooled air, to thereafter guide cooled air from the cold side portion to the hot side portion, to promote heating of the air in the hot side portion of the



conduit system, and to thereafter guide such heated air from the hot side portion to the washing *container/basket* that differs from the claim only in the recitation of the at least one heat tube having a pair of ends, one of the ends of the heat tube extending into the cold side portion of the conduit system to promote cooling and the other end of the heat tube extending into the hot side portion of the conduit system to promote heating, with the heat tube operating to conduct heat from its one end extending into the cold portion

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of the conduit system to its other end extending into the hot portion of the conduit system with the one end of the heat tube receiving heat from air guided there past at the cold side portion of the conduit system and conducting such received heat to its other end. The patent to Moratalla (see fig. 3) is cited disclosing that it is old and well known in a dehumidification system, to provide a heat pipe/tube (185) having a pair of ends, one of the ends (190) of the heat pipe/tube extending into the cold side portion of a conduit system (170) to promote cooling and the other end (255) of the heat pipe/tube extending into the hot side portion of the conduit system to promote heating (255), with the heat tube operating to conduct heat from its one end extending into the cold portion of the conduit system to its other end extending into the hot portion of the conduit system with the one end of the heat tube receiving heat from air guided there past at the cold side portion of the conduit system and conducting such received heat to its other end as claimed. It therefore would have been obvious to one having ordinary skill in the art, with predictable results, to modify the system/arrangement of Dinh, to include a heat pipe/tube as taught by Moratalla, with no change in their respective function, since Dinh specifically discloses that a "wide variety of heat exchangers could be used" (col. 5 lines 18-19) and to increase the efficiency of the system since it is also old and well known in the art to recover waste heat for preheating. All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination, (i.e., the combination of known old elements into a single device) would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Re claim

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11, Dinh/France'322 disclose the drying cycle. Re claim 12, Dinh, when employed in a dishwasher like that of France'322, discloses the outlet with a pipe (21) communicated with the at least one heat tube, the at least one heat tube includes a pipe communicating one end thereof with the other end thereof, and the washing container includes an inlet with a pipe (29) communicated with the at least one heat tube and further comprising a fan (27) arranged in the outlet with the pipe communicating the washing basket with the at least one heat tube, the fan being operable to supply at least some of the air in the washing basket to the conduit system at least temporarily. Re claim 13, Dinh, as proposedly modified, discloses the air being cooled by the heat pipe/tube. Re claim 14, Dinh, as proposedly modified, discloses the air being heated by the heat pipe/tube. Re claim 15, Dinh (as at 242), France'322 (as at 28) and Moratalla (as at 265) disclose the heater. Re claim 16-17, Moratalla discloses the condenser (200) as claimed.

7. Applicant's arguments with respect to the pending claims and/or the rejection thereof have been considered. The arguments and/or amendments with respect to the claims have been effective in defining over previous Office Action, with the current remarks standing moot in view of the new ground(s) of rejection.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Gunnerson et al., Taylor, Maeda et al., Brown, Goldberg, Gaugler, Grover et al., Sami, Herbst and Jacobs, note the dehumidification systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is

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(571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/FRANKIE L. STINSON/
Primary Examiner, Art Unit 1792